

CLOSED

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Brownsville)
CRIMINAL DOCKET FOR CASE #: 1:14-cr-00876 All Defendants**

Case title: USA v. Massey et al
Magistrate judge case number: 1:14-mj-00968

Date Filed: 11/04/2014
Date Terminated: 02/19/2016

Assigned to: Judge Andrew S. Hanen

Defendant (1)

Kevin Lyndel Massey

Appearance Bond: \$30,000 Unsecured

TERMINATED: 01/25/2016

represented by **Louis S Sorola**

Attorney at Law

1999 W Jefferson

Brownsville, TX 78520

956-504-2911

Fax: 956 544-7766

Email: louis.sorola@yahoo.com

TERMINATED: 01/14/2016

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Philip T Cowen

Law Office of Philip Cowen

500 E Levee St

Brownsville, TX 78520

956-541-1691

Email: ptchb@att.net

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Edmund K Cyganiewicz

Attorney at Law

1000 E Madison Street

Brownsville, TX 78520

956-541-5995

Fax: 956-542-4475

Email: edcyganiewicz@rgv.twcbc.com

TERMINATED: 12/30/2014

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

Ct.1: Felon in possession of a firearm
18 U.S.C. 922(g)(1) and 924(a)(2)
(1)

Ct. 2: Felon in possession of a firearm
18 U.S.C. 922(g)(1) and 924(a)(2)
(2)

Ct. 3: Felon in possession of a firearm
18 U.S.C. 922(g)(1) and 924(a)(2)
(3)

Ct. 4: Felon in possession of a firearm
18 U.S.C. 922(g)(1) and 924(a)(2)
(4)

Disposition

Dismissed on Government's Motion.

CBOP: 41 months; SRT: 3 years; SA:
\$100 due immediately, Fine waived.

CBOP: 41 months; SRT: 3 years; SA:
\$100 due immediately, Fine waived.
Sentence to run concurrently.

Dismissed on Government's Motion.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

Possession of a Firearm by an individual having been convicted of a felony, 18 U.S.C. 922(g)(1)

Disposition

Assigned to: Judge Fernando Rodriguez, Jr

Defendant (2)

John Frederick Foerster
TERMINATED: 02/19/2016

represented by **Edward A Stapleton , III**
Attorney at Law
2401 Wildflower Dr
Suite C
Brownsville, TX 78526
956-504-0882
Email: ed@ed-stapleton.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

Ct. 5: Felon in possession of a firearm
18 U.S.C. 922(g)(1) and 924(a)(2)
(5)

Disposition

CBOP: 30 months; SRT: 3 years; SA:
\$100 due immediately, Fine waived...
SRT Revocation on 9/5/18: BOP: 6
months

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

Possession of a Firearm by an
individual having been convicted of a
felony, 18 U.S.C. 922(g)(1)

Disposition**Plaintiff**

USA

represented by **Appellate Division**
U.S. Attorney's Office
Southern District of Texas
1000 Louisiana
Ste 2300
Houston, TX 77002
Email: usatxs.appellate@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Jason Edmund Corley

US Attorney's Office
Southern District of Texas
1000 Louisiana St.
Ste 2300
Houston, TX 77002
713-567-9482
Email: jason.corley@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

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William F Hagen
Assistant U S Attorney
600 E Harrison
Suite 201
Brownsville, TX 78520
956-548-2554
Email: william.hagen@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Financial Litigation
U S Attorney's Office
Southern District of Texas
1000 Louisiana St
Ste 2300
Houston, TX 77002
713-567-9000
Fax: 713-718-3391 fax
Email: flu.usatxs-@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Retained

US Pretrial Svcs-Br
ATTORNEY TO BE NOTICED
Designation: Retained

US Probation - B
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
10/20/2014		Magistrate Judge Ronald G. Morgan assigned to case. (rnieto, 1) [1:14-mj-00968] (Entered: 10/20/2014)
10/20/2014	1	COMPLAINT as to Kevin Lyndel Massey (1) and John Frederick Foerster (2), filed. (rnieto, 1) Modified on 10/21/2014 (rdv, 1). Modified on 10/22/2014 (rnieto, 1). [1:14-mj-00968] (Entered: 10/20/2014)
10/20/2014		Sealed Arrest Warrant Issued in case as to Kevin Lyndel Massey and John Frederick Foerster (Signed by Magistrate Judge Ronald G. Morgan), filed. (rnieto, 1) [1:14-mj-00968] (Entered: 10/20/2014)
10/20/2014	8	APPLICATION for a Search Warant as to Kevin Lyndel Massey, John Frederick Foerster, filed. (rnieto, 1) (Additional attachment(s) added on 10/22/2014: # 1 Unredacted attachment) (rnieto, 1). [1:14-mj-00968] (Entered: 10/22/2014)
10/21/2014	2	

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		Government's Request to Unseal Complaint by USA as to Kevin Lyndel Massey, filed. (rnieto, 1) [1:14-mj-00968] (Entered: 10/21/2014)
10/21/2014	3	ORDER granting 2 Motion to Unseal Complaint as to Kevin Lyndel Massey (1).(Signed by Magistrate Judge Ronald G. Morgan.) Parties notified. (rnieto, 1) [1:14-mj-00968] (Entered: 10/21/2014)
10/21/2014		Minute Entry for proceedings held before Magistrate Judge Ronald G. Morgan:INITIAL APPEARANCE on Complaint held on 10/21/2014 as to Kevin Lyndel Massey. Defendant's First Appearance; advised of charges and rights. Defendant examined by Pretrial Services Agency. Defendant requests court appointed counsel. The Court will appoint counsel to represent the Defendant. Preliminary Hearing set for 10/24/2014 at 10:30 AM in Courtroom 2 before Magistrate Judge Ronald G. Morgan. Detention Hearing set for 10/24/2014 at 10:30 AM in Courtroom 2 before Magistrate Judge Ronald G. Morgan. Defendant remanded to the custody of the U.S. Marshal. Appearances: Bill Hagen. (USPO:R. Shriver/A. Cardenas)(ERO:Balvina Campos)(Interpreter:Ramon Del Villar, Jr., present not needed)(DUSM: Joey Castro)(CSO: Samuel Rivera)(bvasquez, 1)[11:00 -11:14 AM] [1:14-mj-00968] (Entered: 10/21/2014)
10/21/2014	4	Partially Unsealed Criminal Complaint as to Kevin Lyndel Massey, filed. (rnieto, 1) Modified on 10/22/2014 (rnieto, 1).[1:14-mj-00968] Modified on 12/2/2014 (rnieto, 1). (Entered: 10/21/2014)
10/21/2014	5	AO 257 Information Sheet as to Kevin Lyndel Massey, arrested on 10/20/2014, filed.(dnoriega, 1) (Additional attachment(s) added on 10/22/2014: # 1 Unredacted attachment) (dnoriega, 1). [1:14-mj-00968] (Entered: 10/22/2014)
10/21/2014	6	CJA 20 as to Kevin Lyndel Massey. Appointment of Attorney Edmund K Cyganiewicz for defendant. Voucher #141021000145. (Signed by Magistrate Judge Ronald G. Morgan) Parties notified. (dnoriega, 1) [1:14-mj-00968] (Entered: 10/22/2014)
10/21/2014	7	Sealed Financial Affidavit CJA 23 by Kevin Lyndel Massey, filed. [1:14-mj-00968] (Entered: 10/22/2014)
10/21/2014	9	RETURN of Inventory executed on 10/20/14 as to Kevin Lyndel Massey, John Frederick Foerster, filed. (rnieto, 1) [1:14-mj-00968] (Entered: 10/22/2014)
10/22/2014		Minute Entry for proceedings held before Magistrate Judge Ronald G. Morgan:INITIAL APPEARANCE on Complaint held on 10/22/2014 as to John Frederick Foerster. Defendant's First Appearance; advised of charges and rights. Defendant declined to be examined by Pretrial Services Agency. Defendant requests court appointed counsel. The Court will appoint counsel to represent the Defendant. Preliminary Hearing set for 10/27/2014 at 01:30 PM in Courtroom 2 before Magistrate Judge Ronald G. Morgan. Detention Hearing set for 10/27/2014 at 01:30 PM in Courtroom 2 before Magistrate Judge Ronald G. Morgan. Deft remanded to the custody of the U.S. Marshal. Appearances: Bill Hagen, AUSA (PSA: Steven Alvarez)(USPO:Rosbel Cantu)(ERO:Balvina Campos)(Interpreter: no present, not needed)(DUSM: Ralph

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		Medrano)(CSO: Ruben Salinas)(bvasquez, 1)[10:49 - 10:59 AM] [1:14-mj-00968] (Entered: 10/22/2014)
10/22/2014	10	Government's Request to Unseal Criminal Complaint by USA as to John Frederick Foerster, filed. (rnieto, 1) [1:14-mj-00968] (Entered: 10/22/2014)
10/22/2014	11	ORDER granting 10 Motion to Unseal Complaint as to John Frederick Foerster (2). (Signed by Magistrate Judge Ronald G. Morgan.) Parties notified.(rnieto, 1) [1:14-mj-00968] (Entered: 10/22/2014)
10/22/2014	12	AO 257 Information Sheet as to John Frederick Foerster; arrested on 10/22/14, filed.(bcampos, 1) (Additional attachment(s) added on 10/22/2014: # 1 Unredacted attachment) (bcampos, 1). [1:14-mj-00968] (Entered: 10/22/2014)
10/22/2014	13	CJA 20 as to John Frederick Foerster. Attorney Edward A. Stapleton appointed to represent John Frederick Foerster.(Signed by Magistrate Judge Ronald G. Morgan) Parties notified. (dahumada, 1) [1:14-mj-00968] (Entered: 10/22/2014)
10/22/2014	14	Sealed Financial Affidavit CJA 23 by John Frederick Foerster, filed. [1:14-mj-00968] (Entered: 10/22/2014)
10/23/2014	15	NOTICE OF ATTORNEY APPEARANCE: Edmund K Cyganiewicz appearing for Kevin Lyndel Massey , filed.(Cyganiewicz, Edmund) [1:14-mj-00968] (Entered: 10/23/2014)
10/24/2014		Minute Entry for proceedings held before Magistrate Judge Ronald G. Morgan:Preliminary Hearing/DETENTION HEARING as to Kevin Lyndel Massey held on 10/24/2014. Preliminary Hearing NOT HELD. Waiver of Preliminary Hearing filed with the Court. DETENTION HEARING HELD. After review of the PSA report and arguments of counsel, the Court adopts the Pretrial Services recommendation and sets a \$30,000.00 UNSECURED bond and conditions as recited on the record. Deft remanded to the custody of the U.S. Marshal. Appearances:Bill Hagen, AUSA; Ed Cyganiewicz, f/dft.(PSA: Johnny Hernandez)(USPO:Annette Escamilla)(ERO:Balvina Campos) (Interpreter:Ramon Del Villar, Jr., present not needed)(DUSM:Joey Castro) (CSO: Joe Barrera)(bvasquez, 1)[10:36 - 10:50 AM] [1:14-mj-00968] (Entered: 10/24/2014)
10/24/2014	16	WAIVER of Preliminary Examination by Kevin Lyndel Massey, filed. (sbejarano, 1) [1:14-mj-00968] (Entered: 10/24/2014)
10/24/2014	17	ORDER Setting Conditions of Release as to Kevin Lyndel Massey (1) \$30,000 Unsecured (Signed by Magistrate Judge Ronald G. Morgan) Parties notified. (dnoriega, 1) [1:14-mj-00968] (Entered: 10/24/2014)
10/27/2014		Minute Entry for proceedings held before Magistrate Judge Ronald G. Morgan: DOCKET CALL for Preliminary and Detention Hearings as to John Frederick Foerster held on 10/27/2014. Case called. Deft present with counsel. Deft sworn in. Defense counsel makes an oral request to delay the proceedings scheduled for today and requests that a psychological evaluation be conducted before the proceedings are held. The Court orally grants the delay; Preliminary and Detention Hearing reset for Monday, November 3, 2014 at 1:30 PM unless

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		defense counsel files a written motion requesting the delay and request for psychological evaluation at which time the hearings will be held after the evaluation is conducted. Defense counsel further requests that deft be given medical care. The Court directs the U.S. Marshal to address the matter accordingly. Deft remanded to the custody of the U.S. Marshal. Appearances: Bill Hagen, AUSA; Ed Stapleton f/dft. (PSA: A. Magallanes)(USPO:Jordan Hiles)(ERO:Maricela Perez)(Interpreter:Ramon del Villar, Jr., present not needed)(DUSM: Abel Torres)(CSO: Samuel Rivera)(bvasquez, 1)[1:42 - 1:45 PM] Modified on 10/27/2014 (bvasquez, 1). [1:14-mj-00968] (Entered: 10/27/2014)
10/27/2014		Reset Hearing Preliminary Exam in Courtroom 2 before Magistrate Judge Ronald G. Morgan; Detention Hearing reset for 11/3/2014 at 01:30 PM in Courtroom 2 before Magistrate Judge Ronald G. Morgan. (bvasquez, 1) [1:14-mj-00968] (Entered: 10/28/2014)
10/28/2014	18	Pretrial Services Report (Sealed) as to John Frederick Foerster, filed. (sulgarza, 1) [1:14-mj-00968] (Entered: 10/28/2014)
10/28/2014	21	Unopposed MOTION for Psychiatric Exam by John Frederick Foerster, filed. (Attachments: # 1 Proposed Order)(Stapleton, Edward) [1:14-mj-00968] (Entered: 10/28/2014)
10/29/2014	22	PROPOSED ORDER re: 21 Unopposed MOTION for Psychiatric Exam as to John Frederick Foerster, filed.(Stapleton, Edward) [1:14-mj-00968] (Entered: 10/29/2014)
10/30/2014	23	ORDER granting 21 Motion for Psychiatric Exam as to John Frederick Foerster (2).(Signed by Magistrate Judge Ronald G. Morgan.) Parties notified. (bcampos, 1) [1:14-mj-00968] (Entered: 10/30/2014)
10/31/2014		**Terminate Preliminary/Detention Hearings as to John Frederick Foerster until such time that the psychiatric evaluation is conducted and report is filed with the Court. (bvasquez, 1) [1:14-mj-00968] (Entered: 10/31/2014)
11/03/2014	24	Appearance Bond Entered as to Kevin Lyndel Massey in amount of \$ 30,000 Unsecured,, filed. (bcampos, 1) (Additional attachment(s) added on 11/3/2014: # 1 Unredacted attachment) (bcampos, 1). [1:14-mj-00968] (Entered: 11/03/2014)
11/04/2014	25	Pretrial Services Report (Sealed) as to Kevin Lyndel Massey, filed. (sulgarza, 1) [1:14-mj-00968] (Entered: 11/04/2014)
11/04/2014	26	INDICTMENT (The original indictment with the signature of the grand jury foreperson is on file under seal with the clerk) as to Kevin Lyndel Massey (1) count(s) 1, 2, 3, 4, John Frederick Foerster (2) count(s) 5, filed. (avleal, 1) (Entered: 11/05/2014)
11/04/2014	27	US Attys Criminal Docket Sheet as to Kevin Lyndel Massey, John Frederick Foerster, filed.(avleal, 1) (Entered: 11/05/2014)
11/05/2014	28	

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		NOTICE OF SETTING as to Kevin Lyndel Massey, John Frederick Foerster. Arraignment set for 11/13/2014 at 08:45 AM in Courtroom 1 before Magistrate Judge Ignacio Torteya III, filed. (avleal, 1) (Entered: 11/05/2014)
11/05/2014	29	NOTICE OF ATTORNEY APPEARANCE: Edmund K Cyganiewicz appearing for Kevin Lyndel Massey , filed.(Cyganiwicz, Edmund) (Entered: 11/05/2014)
11/05/2014	30	NOTICE OF RESETTING as to Kevin Lyndel Massey. Arraignment set for 11/12/2014 at 09:15 AM before Magistrate Judge Ignacio Torteya III, filed. (sgarcia, 1) (Entered: 11/05/2014)
11/12/2014		Minute Entry for proceedings held before Magistrate Judge Ignacio Torteya, III: ARRAIGNMENT as to Kevin Lyndel Massey (1) Count 1,2,3,4 held on 11/12/2014; Deft waives reading of the Indictment and enters a PLEA OF NOT GUILTY; Scheduling Order dates orally given to all parties. The Government moves to modify the conditions of release to include random drug testing; Granted. Deft to remain on present bond under the same terms and modified conditions. Appearances: AUSA E Salinas, E Cyganiewicz f/dft, USPO-B, US Marshal-B, (ERO:D Ahumada) (Interpreter:S Cortez present not needed) (sgarcia, 1)(09:21-09:27am) (Entered: 11/12/2014)
11/12/2014	31	SCHEDULING ORDER as to Kevin Lyndel Massey. Motion Filing due by 11/28/2014. Responses due by 12/15/2014. Docket Call and Final Pretrial Conference set for 1/6/2015 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen Jury Selection set for 1/8/2015 at 09:00 AM in Courtroom 6 before Judge Andrew S. Hanen Motion Hearing set for 12/17/2014 at 09:00 AM in Courtroom 2 before Magistrate Judge Ronald G. Morgan(Signed by Magistrate Judge Ignacio Torteya, III) Parties notified. (jtabares, 1) (Entered: 11/12/2014)
11/12/2014	32	ORDER entered re: Consent to Modify Conditions of Release as to Kevin Lyndel Massey. The modification of conditions of release is ordered, to be effective immediately as to Kevin Lyndel Massey (Signed by Magistrate Judge Ignacio Torteya, III) Parties notified. (jtabares, 1) (Entered: 11/12/2014)
11/12/2014	33	ORDER granting Oral Motion to Modify Conditions of Release as to Kevin Lyndel Massey (1)(Signed by Magistrate Judge Ignacio Torteya, III) Parties notified. (jtabares, 1) (Entered: 11/12/2014)
11/12/2014	34	MOTION to Continue Arraignment by John Frederick Foerster, filed. (Attachments: # 1 Proposed Order)(Stapleton, Edward) (Entered: 11/12/2014)
11/12/2014	35	ORDER granting 34 Motion to Continue as to John Frederick Foerster (2). (Signed by Magistrate Judge Ignacio Torteya, III.) Parties notified.(dnoriega, 1) (Entered: 11/12/2014)
11/14/2014	36	AMENDED ORDER for Psychiatric Evaluation by Dr. Moron as to John Frederick Foerster (Signed by Magistrate Judge Ronald G. Morgan) Parties notified. (dnoriega, 1) (Entered: 11/14/2014)
11/19/2014	37	

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		Unopposed MOTION to Continue Motions Hearing, Trial Date & Request for New Motions Deadline by Kevin Lyndel Massey, filed. (Attachments: # 1 Proposed Order)(Cyganiwicz, Edmund) (Entered: 11/19/2014)
11/20/2014	38	ORDER granting 37 Unopposed Motion to Continue as to Kevin Lyndel Massey (1) Motion Filing due by 1/5/2015. Responses due by 1/19/2015. Jury Selection set for 2/5/2015 at 09:00AM before Judge Andrew S. Hanen. Final Pretrial Conference set for 2/3/2015 at 08:30 AM before Judge Andrew S. Hanen. Motion Hearing set for 1/27/2015 at 09:00 AM before Magistrate Judge Ronald G. Morgan.(Signed by Magistrate Judge Ronald G. Morgan.) Parties notified.(dahumada, 1) (Entered: 11/21/2014)
11/20/2014	39	Continuation of Entry [38] For Statistical Purposes-Order Granting Unopposed Motion for Continuance- Motions are due on 01/05/2015, Responses due on 01/19/2015, Motion Hearing set before Judge Morgan 01/27/2015 at 9:00 a.m., Final Pretrial conference set before Judge Hanen on 02/03/2015 at 8:30 a.m., Jury Selection set before Judge Hanen on 02/05/2015 at 9:00 a.m. as to Kevin Lyndel Massey (Signed by Magistrate Judge Ronald G. Morgan) Parties notified. (dahumada, 1) (Entered: 11/21/2014)
12/01/2014	40	First LETTER MOTION Defendant's Motion Requesting Permission To Travel by Kevin Lyndel Massey, filed. (Attachments: # 1 Proposed Order)(Cyganiwicz, Edmund) (Entered: 12/01/2014)
12/02/2014	41	ORDER denying as moot 40 LETTER MOTION Requesting Permission to Travel as to Kevin Lyndel Massey (1).(Signed by Magistrate Judge Ronald G. Morgan.) Parties notified.(mperez, 1) (Entered: 12/02/2014)
12/03/2014	42	ORDER entered as to Kevin Lyndel Massey. This Court has considered Deft's Motion Requesting Permission to Travel 40 and is of the opinion that said motion is hereby moot. (Signed by Judge Andrew S. Hanen) Parties notified. (rnieto, 1) (Entered: 12/03/2014)
12/15/2014	43	Unopposed MOTION in Limine by Kevin Lyndel Massey, filed. (Attachments: # 1 Proposed Order)(Cyganiwicz, Edmund) (Entered: 12/15/2014)
12/15/2014	44	Unopposed MOTION for Govt to Reveal Agreements/Concession/Leniency/Immunity to Witnesses by Kevin Lyndel Massey, filed. (Attachments: # 1 Proposed Order)(Cyganiwicz, Edmund) (Entered: 12/15/2014)
12/15/2014	45	Unopposed MOTION for List of Witnesses by Kevin Lyndel Massey, filed. (Attachments: # 1 Proposed Order)(Cyganiwicz, Edmund) (Entered: 12/15/2014)
12/15/2014	46	Unopposed MOTION for Exculpatory Evidence by Kevin Lyndel Massey, filed. (Attachments: # 1 Proposed Order)(Cyganiwicz, Edmund) (Entered: 12/15/2014)
12/15/2014	47	Unopposed LETTER MOTION Defendant's Unopposed Request For Notice Of Extraneous Offenses by Kevin Lyndel Massey, filed. (Attachments: # 1 Proposed Order)(Cyganiwicz, Edmund) (Entered: 12/15/2014)
12/29/2014	48	

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		Unopposed MOTION to Withdraw as Attorney <i>of Record</i> by Edmund K Cyganiewicz by Kevin Lyndel Massey, filed. (Attachments: # 1 Proposed Order)(Cyganiewicz, Edmund) (Entered: 12/29/2014)
12/30/2014		Attorney update in case as to Kevin Lyndel Massey. Attorney Louis S Sorola for Kevin Lyndel Massey added. (mperez, 1) (Entered: 12/30/2014)
12/30/2014	49	ORDER granting 48 Motion to Withdraw as Attorney. Edmund K Cyganiewicz withdrawn from case as to Kevin Lyndel Massey (1).(Signed by Magistrate Judge Ronald G. Morgan.) Parties notified.(mperez, 1) (Entered: 12/30/2014)
12/30/2014	50	CJA 20 as to Kevin Lyndel Massey ; Appointment of Attorney Louis Sorola for Kevin Lyndel Massey (Signed by Magistrate Judge Ronald G. Morgan) Parties notified. (mperez, 1) (Entered: 12/30/2014)
01/05/2015	51	Unopposed MOTION to Continue All Settings by Kevin Lyndel Massey, filed. (Sorola, Louis) (Entered: 01/05/2015)
01/06/2015	52	ORDER granting 51 Unopposed Motion for Continuance as to Kevin Lyndel Massey (1). (Signed by Magistrate Judge Ronald G. Morgan.) Parties notified. (mperez, 1) (Entered: 01/06/2015)
01/06/2015		CONTINUATION OF DE#52 FOR STATISTICAL PURPOSES - ORDER granting 51 Unopposed Motion for Continuance as to Kevin Lyndel Massey Motion Filing due by 2/19/2015. Responses due by 3/5/2015. Jury Selection set for 4/2/2015 at 09:00 AM in Courtroom 6 before Judge Andrew S. Hanen Pretrial Conference set for 3/31/2015 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen Motion Hearing set for 3/24/2015 at 09:00 AM in Courtroom 2 before Magistrate Judge Ronald G. Morgan(Signed by Magistrate Judge Ronald G. Morgan) Parties notified. (mperez, 1) (Entered: 01/06/2015)
01/16/2015	53	NOTICE OF SETTING as to John Frederick Foerster. Competency Hearing set for 1/23/2015 at 09:00 AM in Courtroom 2 before Magistrate Judge Ronald G. Morgan; Arraignment/Detention Hearing set for 1/23/2015 at 09:00 AM in Courtroom 2 before Magistrate Judge Ronald G. Morgan, filed. (bvasquez, 1) (Entered: 01/16/2015)
01/16/2015	54	Sealed Forensic Evaluation, filed. (Entered: 01/16/2015)
01/22/2015	55	Sealed Event, filed. (With attachments) (Entered: 01/22/2015)
01/22/2015	56	Sealed Event, filed. (With attachments) (Entered: 01/22/2015)
01/22/2015	57	ORDER granting 55 Sealed Motion as to John Frederick Foerster (2).(Signed by Magistrate Judge Ronald G. Morgan.) Parties notified.(dnoriega, 1) (Entered: 01/22/2015)
01/22/2015	58	ORDER as to John Frederick Foerster. Defendant is to undergo a psychiatric evaluation.(Signed by Magistrate Judge Ronald G. Morgan) Parties notified. (dnoriega, 1) (Entered: 01/22/2015)
01/26/2015	59	PROPOSED ORDER as to John Frederick Foerster, filed.(Stapleton, Edward) (Entered: 01/26/2015)

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01/26/2015	<u>60</u>	AMENDED ORDER as to John Frederick Foerster entered. It is hereby ORDERED that the Defendant John Frederick Foerster, USMS # 76636-379, undergo a psychological evaluation by Dr. John E. Pinkerton, Ph.D., on Monday, February 9, 2015, at 10:00 AM at the Willacy County Detention Center. A request for payment shall be made under the CJA requirements. (Signed by Magistrate Judge Ronald G. Morgan) Parties notified. (rnieto, 1) (Main Document 60 replaced on 1/30/2015) (rnieto, 1). (Entered: 01/27/2015)
02/19/2015	<u>62</u>	Opposed MOTION to Dismiss <i>Indictment</i> by Kevin Lyndel Massey, filed. (Sorola, Louis) (Entered: 02/19/2015)
02/19/2015	<u>63</u>	Opposed MOTION to Suppress Evidence and Statements by Kevin Lyndel Massey, filed. (Sorola, Louis) (Entered: 02/19/2015)
02/19/2015	<u>64</u>	Opposed MOTION for Hearing <i>on Motion to Dismiss and to Suppress</i> by Kevin Lyndel Massey, filed. (Sorola, Louis) (Entered: 02/19/2015)
03/05/2015	<u>65</u>	RESPONSE to Motion by USA as to Kevin Lyndel Massey re <u>63</u> Opposed MOTION to Suppress Evidence and Statements , <u>62</u> Opposed MOTION to Dismiss <i>Indictment</i> , filed.(Hagen, William) (Entered: 03/05/2015)
03/11/2015	<u>66</u>	NOTICE OF SETTING as to Kevin Lyndel Massey - regarding <u>63</u> Opposed MOTION to Suppress Evidence and Statements , <u>62</u> Opposed MOTION to Dismiss <i>Indictment</i> . Motion Hearing set for 3/30/2015 at 01:30 PM in Courtroom 6 before Judge Andrew S. Hanen, filed. (csustaeta, 1) (Entered: 03/11/2015)
03/18/2015	<u>67</u>	Sealed Psychiatric Evaluation, filed. (Entered: 03/18/2015)
03/18/2015	<u>68</u>	NOTICE OF SETTING as to John Frederick Foerster. Competency Hearing and Arraignment set for 3/24/2015 at 01:30 PM in Courtroom 2 before Magistrate Judge Ronald G. Morgan, filed. (bvasquez, 1) (Entered: 03/18/2015)
03/24/2015		Minute Entry for proceedings held before Magistrate Judge Ronald G. Morgan:Defendant consents to Magistrate ruling on all non-dispositive motions. MOTION HEARING as to Kevin Lyndel Massey held on 3/24/2015. re <u>63</u> Opposed MOTION to Suppress Evidence and Statements -CARRIED FOWARD TO DISTRICT JUDGE, <u>43</u> Unopposed MOTION in Limine -GRANTED, <u>62</u> Opposed MOTION to Dismiss <i>Indictment</i> -CARRIED FORWARD TO DISTRICT JUDGE, <u>45</u> Unopposed MOTION for List of Witnesses -GRANTED, <u>46</u> Unopposed MOTION for Exculpatory Evidence -GRANTED, <u>44</u> Unopposed MOTION for Govt to Reveal Agreements/Concession/Leniency/Immunity to Witnesses -GRANTED, <u>47</u> Unopposed LETTER MOTION Defendant's Unopposed Request For Notice Of Extraneous Offenses -GRANTED. Brief discussion held regarding trial dates. Deft continued on current bond conditions. Appearances:Bill Hagen, AUSA; Louis Sorola f/dft. (USPO: Marisela Rodriguez)(ERC:Juanita Tabares) (Interpreter:Ramon Del Villar, Jr., present not needed)(DUSM: Ralph Medrano)(CSO: Richard Haralson)(bvasquez, 1)[9:05 - 9:08 AM] (Entered: 03/24/2015)
03/24/2015	<u>69</u>	

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		Oral ORDER granting 43 Motion in Limine as to Kevin Lyndel Massey (1); granting 44 Motion for Govt to Reveal Agreements/Concession/Leniency/Immunity to Witnesses as to Kevin Lyndel Massey (1); granting 45 Motion for List of Witnesses as to Kevin Lyndel Massey (1); granting 46 Motion for Exculpatory Evidence as to Kevin Lyndel Massey (1); granting 47 LETTER MOTION Request for NOTIFICE of Extraneous Offenses as to Kevin Lyndel Massey (1); carrying with case 62 Motion to Dismiss as to Kevin Lyndel Massey (1); carrying with case 63 Motion to Suppress as to Kevin Lyndel Massey (1). (by Magistrate Judge Ronald G. Morgan.) Parties notified. (bvasquez, 1) (Entered: 03/24/2015)
03/24/2015	70	NOTICE OF SETTING as to Kevin Lyndel Massey - regarding 63 Opposed MOTION to Suppress Evidence and Statements , 62 Opposed MOTION to Dismiss <i>Indictment</i> . Motion Hearing set for 3/30/2015 at 01:30 PM in Courtroom 6 before Judge Andrew S. Hanen, filed. (csustaeta, 1) (Entered: 03/24/2015)
03/24/2015		Minute Entry for proceedings held before Magistrate Judge Ronald G. Morgan:COMPETENCY Hearing as to John Frederick Foerster held on 3/24/2015. After review of the Psychiatric Reports and arguments of counsel, the Court finds Defendant competent to stand trial. The Court proceeded to arraign Defendant. ARRAIGNMENT held. Defendant waives reading of the Indictment and enters a Plea of NOT GUILTY. Scheduling Order dates orally given to all parties., DETENTION HEARING as to John Frederick Foerster held on 3/24/2015. After review of the PSA report and arguments of counsel, the Court finds that the Defendant poses a risk of flight and danger to the community and orders the defendant be detained without bond pending trial. Deft remanded to the custody of the U.S. Marshal. Appearances: Bill Hagen, AUSA; Ed Stapleton f/dft.(PSA: Stephen Alvarez)(USPO:Marisela Rodriguez) (ERO:Juanita Tabares)(Interpreter:Ramon Del Villar, Jr., present not needed) (DUSM: Ralph Medrano)(CSO: Sammy Rivera)(bvasquez, 1)[1:32 - 1:40 PM] (Entered: 03/24/2015)
03/24/2015	71	NOTICE OF SETTING as to John Frederick Foerster. Re-Arraignment set for 3/25/2015 at 10:00 AM in Courtroom 6 before Judge Andrew S. Hanen, filed. (csustaeta, 1) (Entered: 03/24/2015)
03/24/2015	72	ORDER OF DETENTION PENDING Trial as to John Frederick Foerster (Signed by Magistrate Judge Ronald G. Morgan) Parties notified. (melopez, 1) (Entered: 03/24/2015)
03/24/2015	73	SCHEDULING ORDER as to John Frederick Foerster. ETT:2: Motion Filing due by 4/7/2015. Responses due by 4/16/2015. Docket Call and Final Pretrial Conference set for 4/28/2015 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen Jury Selection set for 4/30/2015 at 09:00 AM in Courtroom 6 before Judge Andrew S. Hanen Motion Hearing set for 4/21/2015 at 09:00 AM in Courtroom 2 before Magistrate Judge Ronald G. Morgan (Signed by Magistrate Judge Ronald G. Morgan) Parties notified. (jtabares, 1) (Entered: 03/24/2015)
03/25/2015		Minute Entry for proceedings held before Judge Andrew S. Hanen. Appearances: AUSA William Hagen, Ed Stapleton f/ deft. USPO: S.Barrios;

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		(ERO: Aidee Leal); (Interpreter: not needed.). (10:04-10:26) RE-ARRAIGNMENT held on 3/25/2015 as to John Frederick Foerster. Deft sworn in. Deft enters PLEA OF GUILTY to Count(s) 5 of the Indictment. Plea Agreement: No Plea Agreement (Cold Plea). Order for PSI setting Disclosure & Sentencing dates given orally to all parties. Sentencing set for 6/29/2015 at 8:30 AM. Deft remanded to custody of USM. (csustaeta, 1) (Entered: 03/25/2015)
03/25/2015		**Terminate Deadlines and Hearings as to John Frederick Foerster: (csustaeta, 1) (Entered: 03/25/2015)
03/25/2015	<u>74</u>	ORDER for Presentence Investigation and Disclosure & Sentencing Dates as to John Frederick Foerster. PSI Completion due by 5/11/2015. Objection to PSI due by 5/26/2015. Final PSI due by 6/8/2015. Sentencing set for 6/29/2015 at 08:30 AM before Judge Andrew S. Hanen. (Signed by Judge Andrew S. Hanen) Parties notified. (csustaeta, 1) (Entered: 03/25/2015)
03/30/2015		Minute Entry for proceedings held before Judge Andrew S. Hanen: SUPPRESSION HEARING as to Kevin Lyndel Massey held on 3/30/2015. Appearances: B.Hagen, AUSA; J.Corley, AUSA; L.Sorola, Atty f/deft; S.Alvarez, USPTO;(Court Reporter: B.Barnard);(Interpreter:Not Required) (01:35-03:13/ 03:33-04:19) All parties present and ready to proceed. <u>62</u> Motion to Dismiss and <u>63</u> Motion to Suppress addressed by Defense Counsel. Govt responded to motions. Rule Invoked. Agents Schneider and Rotunno excused from the Rule. Govts Witnesses: D.Cantu sworn in/ testified/ cross/ redirect/ step down. D.Valario sworn in/ testified/ cross/ excused. Govts Exhibits #2, #3, #4, #5, #6(purpose of this hearing), #7, #8, #9 admitted w/o objections. Court Break. Court Resumes. All parties present. Govt Witness. D. Cordova sworn in/ testified/ cross/ redirect/ recross/ step down. Govts #10, #11 offered w/o no objections admitted. Discussion held by Court and Parties. Court will review motions. Joint ORAL motion for continuance-GRANTED. Waiver of Speedy Trial Limits signed/filed. Pursuant to the provisions of Speedy Trial Act in granting this motion finds that the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial. Final Pretrial set for 06/02/15 at 8:30 am. and Jury Selection on 06/04/15. Govt may file any supplemental documentation by 04/10/15 and response by Defense if any due by 04/17/15. Court inquires with Govt and Defenase attorneys as to Govts Exhibits #10 and #11 documents that were admitted, These documents are sealed and attorneys dont see any reason they need to be sealed and Court is fine with it. Court Adjourned. Deft continued on the same BOND., filed.(csustaeta, 1) Modified on 4/1/2015 (csustaeta, 1). (Entered: 03/30/2015)
03/30/2015	<u>75</u>	NOTICE OF RESETTING as to Kevin Lyndel Massey. Final Pretrial Conference set for 6/2/2015 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen. Jury Selection set for 6/4/2015 at 09:00 AM in Courtroom 6 before Judge Andrew S. Hanen, filed. (csustaeta, 1) (Entered: 03/30/2015)
03/30/2015	<u>76</u>	WAIVER of Speedy Trial by Kevin Lyndel Massey, filed.(dnoriega, 1) (Entered: 03/31/2015)
03/30/2015	<u>77</u>	

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		EXHIBIT LIST by USA as to Kevin Lyndel Massey, filed. (jtabares, 1) (Additional attachment(s) added on 3/31/2015: # 1 Exhibits #2-11) (jtabares, 1). (Additional attachment(s) added on 3/31/2015: # 2 Unredacted Exhibits) (jtabares, 1). (Entered: 03/31/2015)
03/31/2015	78	AO 435 TRANSCRIPT ORDER FORM by Louis S. Sorola. This is to order a transcript of Motion to Suppress and Motion to Dismiss held on 3/30/15 before Judge Andrew S. Hanen Court Reporter: Barbara Barnard, filed. (jtabares, 1) (Main Document 78 replaced on 4/2/2015) (mperez, 1). (Entered: 03/31/2015)
04/07/2015	79	AO 435 TRANSCRIPT ORDER FORM by Bill Hagen, AUSA. This is to order a transcript of Suppression Hearing held on 3/30/2015 before Judge Andrew S. Hanen (original). Court Reporter/Transcriber: B. Barnard, filed. (dnoriega, 1) (Entered: 04/08/2015)
04/08/2015	80	TRANSCRIPT as to Kevin Lyndel Massey re: Motion to suppress and motion to dismiss held on 3/30/15 before Judge Andrew S. Hanen. Court Reporter Barbara Barnard. Ordering Party Louis Sorola. Release of Transcript Restriction set for 7/7/2015., filed. (bbarnard,) (Entered: 04/08/2015)
04/10/2015	81	Supplemental RESPONSE to Motion by USA as to Kevin Lyndel Massey re 63 Opposed MOTION to Suppress Evidence and Statements , 62 Opposed MOTION to Dismiss <i>Indictment</i> , filed.(Hagen, William) (Entered: 04/10/2015)
04/19/2015	82	Unopposed MOTION for Leave to File Supplement by Kevin Lyndel Massey, filed. (Attachments: # 1 Exhibit A)(Sorola, Louis) (Entered: 04/19/2015)
04/19/2015	83	Opposed RESPONSE by Kevin Lyndel Massey to <i>Government's Response to Motion to Dismiss</i> , filed.(Sorola, Louis) (Entered: 04/19/2015)
04/20/2015	84	Unopposed MOTION for Leave to File <i>Motion to Suppress</i> Supplement by Kevin Lyndel Massey, filed. (Attachments: # 1 Supplement Exhibit A)(Sorola, Louis) (Entered: 04/20/2015)
04/20/2015	85	Supplemental RESPONSE by Kevin Lyndel Massey re 63 Opposed MOTION to Suppress Evidence and Statements , filed.(Sorola, Louis) (Entered: 04/20/2015)
04/20/2015	86	ORDER granting 82 Motion for Leave to File Supplement to Motion to Dismiss as to Kevin Lyndel Massey (1).(Signed by Judge Andrew S. Hanen.) Parties notified.(dnoriega, 1) (Entered: 04/20/2015)
04/20/2015	87	First Supplement to 62 Opposed Motion to Dismiss Indictment by Kevin Lyndel Massey, filed.(dnoriega, 1) (Entered: 04/20/2015)
04/20/2015	88	ORDER granting 84 Motion for Leave to File Supplement to Opposed Motion to Suppress as to Kevin Lyndel Massey (1).(Signed by Judge Andrew S. Hanen.) Parties notified.(dnoriega, 1) (Entered: 04/20/2015)
04/20/2015	89	First Supplement to 63 Opposed Motion to Suppress Illegally Seized Evidence by Kevin Lyndel Massey, filed.(dnoriega, 1) (Entered: 04/20/2015)
05/14/2015	90	Statement by USA as to John Frederick Foerster <i>OF NO OBJECTIONS TO PSR</i> , filed.(Hagen, William) (Entered: 05/14/2015)

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05/20/2015	91	ORDER entered as to Kevin Lyndel Massey, John Frederick Foerster. If either party feels that the Supreme Courts opinion changes any previously articulated position, a short brief explaining that change should be filed by close of business on May 29, 2015. Brief due by 5/29/2015. (Signed by Judge Andrew S. Hanen) Parties notified. (bcampos, 1) (Entered: 05/20/2015)
05/26/2015	92	NOTICE of Intent to Offer Expert Witness by USA as to Kevin Lyndel Massey, filed.(Hagen, William) (Entered: 05/26/2015)
05/26/2015	93	Objection to Presentence Investigation Report (Sealed) by John Frederick Foerster as to Kevin Lyndel Massey, John Frederick Foerster, filed. (Entered: 05/26/2015)
05/28/2015	94	Opposed MOTION to Continue Final Pretrial Hearing by Kevin Lyndel Massey, filed. (Sorola, Louis) (Entered: 05/28/2015)
05/29/2015	95	RESPONSE by John Frederick Foerster <i>Regarding the Court's Order of May 20, 2015</i> , filed.(Stapleton, Edward) (Entered: 05/29/2015)
06/01/2015	96	Proposed Jury Instructions by USA as to Kevin Lyndel Massey, filed. (Hagen, William) (Entered: 06/01/2015)
06/01/2015	97	Proposed Voir Dire by USA as to Kevin Lyndel Massey, filed. (Hagen, William) (Entered: 06/01/2015)
06/02/2015		Minute Entry for proceedings held before Judge Andrew S. Hanen: Appearances:B.Hagen, AUSA; L.Sorola, Atty f/deft; B.Gomez, USPO(duty); S.Alvarez, USPTO;(Court Reporter: Barbara Barnard);(Interpreter:S.Cortez: N/R)(09:35-09:43) PRETRIAL CONFERENCE as to Kevin Lyndel Massey held on 6/2/2015. 94 Defts Opposed MOTION to Continue Final Pretrial Hearing-GRANTED. Discussion held as to pending motions. Court DENIED motions. Order will follow. Parties ready for Trial and request August seting. Final Pretrial Conference set for 7/28/2015 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen. Jury Selection set for 7/30/2015 at 09:00 AM in Courtroom 6 before Judge Andrew S. Hanen. Court inquires with Pretrial Officer as to Deft. Pretrial notifies Court that Deft is not in compliance. Deft has missed three urine collections. Court orders Deft into custody and sets a hearing on 06/10/15 at 1:30 pm on the allegations of not complying with pretrial condition. Defense Counsel requests the opportunity for Deft to provide urine sample today. Deft remanded to the custody of USM., filed.(csustaeta, 1) (Entered: 06/02/2015)
06/02/2015		***Set/Reset Hearings as to Kevin Lyndel Massey: Hearing set for 6/10/2015 at 01:30 PM before Judge Andrew S. Hanen (csustaeta, 1) (Entered: 06/02/2015)
06/03/2015		US ATTORNEY'S NOTICE OF APPEARANCE. Jason Edmund Corley appearing for USA, filed.(Corley, Jason) (Entered: 06/03/2015)
06/05/2015	98	MEMORANDUM OPINION AND ORDER as to Kevin Lyndel Massey, John Frederick Foerster denying 63 Opposed MOTION to Suppress Evidence and Statements (Signed by Judge Andrew S. Hanen) Parties notified. (bcampos, 1) (Entered: 06/05/2015)

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06/05/2015	99	MEMORANDUM OPINION AND ORDER as to Kevin Lyndel Massey denying 62 Opposed MOTION to Dismiss <i>Indictment</i> (Signed by Judge Andrew S. Hanen) Parties notified. (bcampos, 1) (Entered: 06/05/2015)
06/08/2015	100	Final Presentence Investigation Report (Sealed) as to John Frederick Foerster, filed. (msosa, 1) (Entered: 06/08/2015)
06/08/2015	101	Sealed Addendum to 100 Final Presentence Investigation Report (Sealed) as to John Frederick Foerster, filed. (msosa, 1) (Entered: 06/08/2015)
06/08/2015	102	Confidential Sentencing Recommendation(Sealed) regarding John Frederick Foerster, filed. (msosa, 1) (Entered: 06/08/2015)
06/09/2015	103	ORDER as to Kevin Lyndel Massey. This Court cancels the hearing scheduled for June 10, 2015 and orders that Massey will remain in custody until the conclusion of his trial. (Signed by Judge Andrew S. Hanen) Parties notified. (scastillo, 1) (Entered: 06/09/2015)
06/09/2015		**Terminate Deadlines and Hearings as to Kevin Lyndel Massey: (scastillo, 1) (Entered: 06/09/2015)
06/10/2015	104	Revised Presentence Investigation Report (Sealed) as to John Frederick Foerster, filed. (mmarshall, 1) (Entered: 06/10/2015)
06/10/2015	105	Sealed Attachment to 104 Final Presentence Investigation Report (Sealed) as to John Frederick Foerster, filed. (mmarshall, 1) (Entered: 06/10/2015)
06/10/2015	106	Second Sealed Addendum to 104 Final Presentence Investigation Report (Sealed) as to John Frederick Foerster, filed. (mmarshall, 1) (Entered: 06/10/2015)
06/10/2015	107	Revised Confidential Sentencing Recommendation(Sealed) regarding John Frederick Foerster, filed. (mmarshall, 1) (Entered: 06/10/2015)
06/10/2015	108	Sealed Event, filed. (With attachments) (Entered: 06/10/2015)
06/11/2015	109	Sealed Order (Sentencing re-set for 8/4/2015 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen), filed. (Entered: 06/11/2015)
07/28/2015		Minute Entry for proceedings held before Judge Andrew S. Hanen: Appearances:B.Hagen, AUSA; L.Sorola, Atty f/deft; C.Senteno, USPO(Duty); (Court Reporter: Barbara Barnard);(Interpreter:S.Cortez: N/R)(09:24-09:38) PRETRIAL CONFERENCE as to Kevin Lyndel Massey held on 7/28/2015. Parties announce ready for trial. ETT: 1 - 2 Days. Waiver of Jury signed by all parties and ACCEPTED by Court. Bench Trial set for 08/24/15 at 1:30 pm. Deft remanded to the custody of USM., filed.(csustaeta, 1) (Entered: 07/28/2015)
07/28/2015		**Terminate Deadlines and Hearings as to Kevin Lyndel Massey: (csustaeta, 1) (Entered: 07/28/2015)
07/28/2015	111	NOTICE OF SETTING as to Kevin Lyndel Massey. Bench Trial set for 8/24/2015 at 01:30 PM in Courtroom 6 before Judge Andrew S. Hanen, filed. (csustaeta, 1) (Entered: 07/28/2015)

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07/28/2015	112	WAIVER of Right to Trial by Jury as to Kevin Lyndel Massey, filed. (csustaeta, 1) (Entered: 07/28/2015)
08/03/2015	113	Sealed Event, filed. (With attachments) (Entered: 08/03/2015)
08/03/2015	114	Sealed Order(Sentencing set for 9/16/2015 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen), filed. (Entered: 08/03/2015)
08/24/2015		Minute Entry for proceedings held before Judge Andrew S. Hanen: MINUTE ENTRY: BENCH TRIAL as to Kevin Lyndel Massey NOT HELD on 8/24/2015. Appearances:B.Hagen, AUSA; J.Corley, AUSA; L.Sorola, Atty f/deft; V.Smith, SUSPO;(Court Reporter: Mayra Malone);(Interpreter: S.Cortez: Not Present)(11:26-11:42/ 11:55/ 12:29). Discussion held. Court resets Bench Trial to 09/30/15 at 10:00 am. Defense may file any motion by 09/04/15. Response by AUSA by 09/11/15. Court will review and rule by 09/30/15. If Deft wishes to enter a plea by 09/19/15. Deft remanded to the custody of USM., filed.(csustaeta, 1) (Entered: 08/24/2015)
08/24/2015	115	THIS entry was incorrectly recorded and has been re-docketed as document 116 . NOTICE OF RESETTING as to Kevin Lyndel Massey. Arraignment set for 9/30/2015 at 10:00 AM in Courtroom 6 before Judge Andrew S. Hanen, filed. (csustaeta, 1) Modified on 8/24/2015 (csustaeta, 1). (Entered: 08/24/2015)
08/24/2015	116	NOTICE OF RESETTING as to Kevin Lyndel Massey. Bench Trial set for 9/30/2015 at 10:00 AM in Courtroom 6 before Judge Andrew S. Hanen, filed. (csustaeta, 1) (Entered: 08/24/2015)
08/24/2015	117	Exhibits as to Kevin Lyndel Massey <i>Government's Offer of Trial Exhibits Under CrLR 55.2</i> , filed. (Corley, Jason) (Entered: 08/24/2015)
08/25/2015	118	Exhibits as to Kevin Lyndel Massey <i>Government's First Amended Offer of Trial Exhibits Under CrLR 55.2</i> , filed. (Attachments: # 1 Amended Exhibit List)(Corley, Jason) (Entered: 08/25/2015)
09/05/2015	119	Opposed MOTION to Dismiss <i>Indictment</i> by Kevin Lyndel Massey, filed. (Sorola, Louis) (Entered: 09/05/2015)
09/11/2015	120	RESPONSE by USA as to Kevin Lyndel Massey <i>Second Opposed Motion to Dismiss the Indictment</i> , filed.(Corley, Jason) (Entered: 09/11/2015)
09/15/2015	121	EXHIBIT LIST by John Frederick Foerster, filed. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit)(Stapleton, Edward) (Entered: 09/15/2015)
09/16/2015		Minute Entry for proceedings held before Judge Andrew S. Hanen: Appearances:B.Hagen, AUSA; E.Stapleton, Atty f/deft; A.Escamilla, USPO (Duty);(ERO:R.Nieto) (Interpreter:J.Ortiz: N/R)(08:35-08:39) SENTENCING HELD in PART on 9/16/2015 as to John Frederick Foerster. Defts ORAL request for continuance w/o objections-GRANTED. Sentencing continued to 11/17/15 at 8:30 am. Deft remanded to the custody of USM., filed.(csustaeta, 1) (Entered: 09/16/2015)
09/16/2015		

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		***Set/Reset Hearings as to John Frederick Foerster: Sentencing set for 11/17/2015 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen (csustaeta, 1) (Entered: 09/16/2015)
09/23/2015	122	MEMORANDUM OPINION AND ORDER as to Kevin Lyndel Massey. Defendant Massey's Second Motion to Dismiss the Indictment is hereby denied. (Signed by Judge Andrew S. Hanen) Parties notified. (dnoriega, 1) (Entered: 09/23/2015)
09/29/2015	123	Motion to Order Fingerprint Exemplars as to Kevin Lyndel Massey, filed. (Attachments: # 1 Proposed Order)(Hagen, William) Modified on 9/30/2015 (scastillo, 1). (Entered: 09/29/2015)
09/30/2015		BENCH TRIAL begun on 9/30/2015 as to Kevin Lyndel Massey (1) Count 1,2,3,4 (csustaeta, 1) (Entered: 09/30/2015)
09/30/2015		Minute Entry for proceedings held before Judge Andrew S. Hanen: BENCH TRIAL as to Kevin Lyndel Massey held on 9/30/2015. Appearances: B.Hagen, AUSA; J.Corley, AUSA; L.Sorola, Atty f/deft; E.Campos, USPO; V.Smith, USPO;(Court Reporter: Laura Wells);(Interpreter:Not Needed)(10:27-12:17/ 12:29-01:11/ 01:53-02:15). All parties present and ready to proceed. Deft urges previous motions filed. Court DENIES motions. Rule Invoked. Govt presents evidence. Govts Witnesses: G. Aguilar sworn in/ testified/ cross/ redirect/ excused. D. Cantu- USBP sworn in/ testified/ Govts Exhibits #1, #2, #3, #4, #5 offered-admitted w/o objections / cross/ redirect/ re-cross/ Court addressed witness/ excused. L.C De Leon DAs Office sworn in/ Govts Exhibit #50, #43 offered-admitted-w/o objections / excused. A. Rivas-BATF sworn in/ testified/ Govts Exhibit #6 thru #20 offered-admitted w/o objections / cross/ step down. K. Weist-BATF sworn in/ testified/ Govts Exhibits #22 thru #31 and #35 thru #38 offered-admitted w/o objections / cross/ step down. Court Break. Court Resumes. All parties present and ready to proceed. Govts Witnesses: E.Ramirez-BATF sworn in/ testified/ Govts Exhibits #39 thru #42 offered-admitted w/o objections/ cross / redirect/ step down. C.Cox-FBI sworn in / testified/ Govts Exhibits #51 thru #55 offered-admitted w/o objections/ cross / step down. Govt Rests. Defense Motion for Direct Verdict- OVERRULED. Govts Witness E. Ramirez-BATF clarified a part of his testimony. Defense Counsel requests to speak with his client. Court Break. Court Resumes. All parties present and ready to proceed. Deft presents evidence. Defts Witnesses: A.Rotunno-BATF sworn in/ testified / cross / step down. Deft Rests. No rebuttal from Govt. Closing remarks by Govt. Closing remarks by Defense. Deft addressed the Court. Court finds Deft GUILTY as to Counts 1, 2, 3 and 4. PSI scheduling orders given orally to parties. Defense Oral request as to Bond-Declined. Govts Exhibits #4, 5,#6 and #22 will be withdrawn and replaced with photos w/o objections. Govts Exhibits #16, #27, #28, #43 ordered SEALED w/o objections. Court Adjourned. Exhibits secured. Deft remanded to the custody of USM., filed.(csustaeta, 1) (Entered: 09/30/2015)
09/30/2015		**Terminate Deadlines and Hearings as to Kevin Lyndel Massey: (csustaeta, 1) (Entered: 09/30/2015)
09/30/2015	124	

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		ORDER for Presentence Investigation and Disclosure & Sentencing Dates as to Kevin Lyndel Massey. PSI Completion due by 11/16/2015 Objection to PSI due by 11/30/2015 Final PSI due by 12/14/2015 Sentencing set for 1/4/2016 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen (Signed by Judge Andrew S. Hanen) Parties notified. (scastillo, 1) (Entered: 09/30/2015)
09/30/2015	125	WITNESS LIST by USA as to Kevin Lyndel Massey, filed. (csustaeta, 1) (Entered: 09/30/2015)
09/30/2015	126	GOVT'S AMENDED EXHIBIT LIST by USA as to Kevin Lyndel Massey, filed. (csustaeta, 1) (Additional attachment(s) added on 10/1/2015: # 1 Exhibits) (rnieto, 1). (Additional attachment(s) added on 10/1/2015: # 2 Unredacted attachment exhibits unredacted) (rnieto, 1). (Additional attachment(s) added on 10/1/2015: # 3 sealed exhibits) (rnieto, 1). (Entered: 09/30/2015)
09/30/2015	127	ORDER Granting re: 123 Motion to Order Fingerprint Exemplars as to Kevin Lyndel Massey (Signed by Judge Andrew S. Hanen) Parties notified. (scastillo, 1) (Entered: 09/30/2015)
11/06/2015	128	Sealed Event, filed. (With attachments) (Entered: 11/06/2015)
11/10/2015	129	Sealed Order (Sentencing set for 1/20/2016 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen), filed. (Entered: 11/10/2015)
12/03/2015	130	Statement by USA as to Kevin Lyndel Massey <i>of no objections to PSR</i> , filed. (Hagen, William) (Entered: 12/03/2015)
12/06/2015	131	Unopposed MOTION for Extension of Time to File Objections to PSR by Kevin Lyndel Massey, filed. (Sorola, Louis) (Entered: 12/06/2015)
12/06/2015	132	Objection to Presentence Investigation Report (Sealed) by Kevin Lyndel Massey, filed. (Entered: 12/06/2015)
12/07/2015	133	ORDER granting 131 Motion for Extension of Time to File First Objections to Presentence Report as to Kevin Lyndel Massey (1).(Signed by Judge Andrew S. Hanen.) Parties notified.(mperez, 1) (Entered: 12/07/2015)
12/14/2015	134	Final Presentence Investigation Report (Sealed) as to Kevin Lyndel Massey, filed. (acuellar, 1) (Entered: 12/14/2015)
12/14/2015	135	Sealed Attachment to 134 Final Presentence Investigation Report (Sealed) as to Kevin Lyndel Massey, filed. (acuellar, 1) (Entered: 12/14/2015)
12/14/2015	136	Sealed Addendum to 134 Final Presentence Investigation Report (Sealed) as to Kevin Lyndel Massey, filed. (acuellar, 1) (Entered: 12/14/2015)
12/14/2015	137	Confidential Sentencing Recommendation(Sealed) regarding Kevin Lyndel Massey, filed. (acuellar, 1) (Entered: 12/14/2015)
12/30/2015	138	Sealed Event, filed. (Entered: 12/30/2015)
01/04/2016		Minute Entry for proceedings held before Judge Andrew S. Hanen: Appearances:B.Hagen, AUSA; L.Sorola, Atty f/deft; M.Rodriguez, USPO (Duty);(ERO:R.Nieto) (Interpreter:M.Licea-Castro)(08:41-08:43) SENTENCING HELD in PART on 1/4/2016 as to Kevin Lyndel Massey. 138

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		Sealed Event filed on 12/30/15 and has not been reviewed by the Court. Defense counsel has read 138 and discussed it with Defendant. Defts Exhibits #1 thru #4 admitted w/o objections. Court holds discussion as to continuance of sentencing. Parties in agreement for sentencing to be heard this afternoon. Sentencing continued to this afternoon at 3:00 pm. Deft remanded to the custody of USM., filed.(csustaeta, 1) (Entered: 01/04/2016)
01/04/2016		***Set/Reset Hearings as to Kevin Lyndel Massey: Sentencing set for 1/4/2016 at 03:00 PM in Courtroom 6 before Judge Andrew S. Hanen (csustaeta, 1) (Entered: 01/04/2016)
01/04/2016		Minute Entry for proceedings held before Judge Andrew S. Hanen: Appearances:B.Hagen, AUSA; J.Corley, AUSA; L.Sorola, Atty f/deft; V.Smith, USPO(Duty);(ERO:R.Nieto)(Interpreter:M. Licea-Castro - Excused) (03:11-04:54) SENTENCING held on 1/4/2016 as to Kevin Lyndel Massey. (Bench Trial on 09/30/15 Guilty to Cts. 1,2,3,4) Deft sworn in. Defts objection to destructive device-OVERRULED. Two points for acceptance-GRANTED objected by Govt. Govts Exhibits #'s 1B,1C,1D,1E,1F,1G,1H,1K,1J, #2 and #3 admitted. Court adopts PSI findings. SENTENCE: Kevin Lyndel Massey (1), Count(s) 2, CBOP: 41 months; SRT: 3 years; SA: \$100 due immediately, Fine waived.; Count(s) 3, CBOP: 41 months; SRT: 3 years; SA: \$100 due immediately, Fine waived. Sentence to run concurrently. Total SA: \$200 due immediately. Deft shall cooperate in collection of DNA sample. Inpatient/outpatient drug/alcohol treatment program. RECOMMENDATION to BOP: Placement at/or near: Dallas Area. Drug abuse evaluation/treatment. Deft remanded to the custody of USM., filed.(csustaeta, 1) (Entered: 01/04/2016)
01/04/2016	139	Defendant's Sentencing Exhibits #1-4 as to Kevin Lyndel Massey, filed. (dahumada, 1) (Additional attachment(s) added on 1/5/2016: # 1 Unredacted attachment) (dahumada, 1). (Entered: 01/05/2016)
01/04/2016	140	Government's Sentencing Exhibit #1B, 1C, 1D, 1E, 1F, 1G, 1H, 1K, 1J, Exhibit #2 #3J as to Kevin Lyndel Massey, filed. (CD 1J placed in file room) (dahumada, 1) Modified on 1/5/2016 (dahumada, 1). (Entered: 01/05/2016)
01/12/2016	141	NOTICE OF APPEAL to US Court of Appeals by Kevin Lyndel Massey as to Kevin Lyndel Massey, filed.(Sorola, Louis) (Entered: 01/12/2016)
01/12/2016	142	MOTION to Withdraw as Attorney by Louis S Sorola by Kevin Lyndel Massey, filed. (Sorola, Louis) (Entered: 01/12/2016)
01/13/2016	143	Clerks Notice of Filing of an Appeal as to Kevin Lyndel Massey. The following Notice of Appeal and related motions are pending in the District Court: 141 Notice of Appeal - Judgment and Sentence, 142 MOTION to Withdraw as Attorney by Louis S Sorola. Fee status: CJA. Reporter(s): ERO; B. Barnard; M. Malone; L. Wells, filed. (Attachments: # 1 NOA, # 2 Mtn for Appointment of Counsel, # 3 Public Docket Sheet) (dnoriega, 1) (Entered: 01/13/2016)
01/13/2016		Appeal Review Notes as to Kevin Lyndel Massey re: 142 MOTION to Withdraw as Attorney by Louis S Sorola, 141 Notice of Appeal - Judgment and

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		Sentence. Fee status: CJA. This defendant is represented by appointed counsel (CJA attorney or Federal Public Defender). Hearings were held in the case. DKT13 transcript order form(s) due within 14 days of the filing of the notice of appeal. Hearings were held in the case - transcripts were produced. Number of DKT-13 Forms expected: 10, filed.(dnoriega, 1) (Entered: 01/13/2016)
01/13/2016	144	MOTION to Dismiss Count(s) <i>One & Four of the Indictment</i> by USA as to Kevin Lyndel Massey, filed. (Attachments: # 1 Proposed Order)(Hagen, William) (Entered: 01/13/2016)
01/13/2016	145	Corrected MOTION to Dismiss Count(s) <i>One & Four of the Indictment</i> by USA as to Kevin Lyndel Massey, filed. (Attachments: # 1 Exhibit Exhibit, # 2 Proposed Order)(Hagen, William) (Entered: 01/13/2016)
01/14/2016	146	ORDER granting 142 Motion to Withdraw as Counsel as to Kevin Lyndel Massey (1). The Court hereby appoints Mr. Philip T. Cowen to represent Mr. Massey in his appeal from this Court's judgment. Mr. Louis S Sorola is hereby excused from further representation. (Signed by Judge Andrew S. Hanen.) Parties notified. (rnieto, 1) (Entered: 01/14/2016)
01/15/2016	147	ORDER granting 144 Motion to Dismiss Counts one and four as to Kevin Lyndel Massey (Signed by Judge Andrew S. Hanen.) Parties notified. (dbenavides, 1) (Entered: 01/15/2016)
01/19/2016	148	Unopposed MOTION to Continue Sentencing by John Frederick Foerster, filed. (Attachments: # 1 Proposed Order)(Stapleton, Edward) (Entered: 01/19/2016)
01/19/2016	149	ORDER granting 148 Motion to Continue as to John Frederick Foerster (2) Sentencing set for 1/27/2016 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen.(Signed by Judge Andrew S. Hanen.) Parties notified. (dnoriega, 1) (Entered: 01/19/2016)
01/20/2016	150	DKT13 TRANSCRIPT ORDER REQUEST by Philip T. Cowen as to Kevin Lyndel Massey. This is to order a transcript of 10/21/14 Initial Appearance Hon.Ronald G. Morgan, 10/24/14 Detention Hearing Hon.Ronald G. Morgan. Court Reporter/Transcriber: GLR Transcribing Services. This order form relates to the following: Detention Hearing re Danger to Community, Initial Appearance re: Complaint, filed.(Cowen, Philip) (Additional attachment(s) added on 1/21/2016: # 1 Court Reporter Acknowledgement) (scastillo, 1). <i>Electronically forwarded to GLR on 1/21/16. Estimated Transcription Completion Date: 2/22/16</i> Modified on 1/21/2016 (scastillo, 1). (Entered: 01/20/2016)
01/20/2016	151	<i>**This entry was incorrectly recorded and has been re-docketed as document # 157. **</i> DKT13 TRANSCRIPT ORDER REQUEST by Philip T. Cowen as to Kevin Lyndel Massey. This is to order a transcript of 11/2/14 Arraignment Hon. Ignacio Torteya III. Court Reporter/Transcriber: GLR Transcribing Services. This order form relates to the following: Arraignment filed.(Cowen, Philip) Modified on 1/21/2016 (scastillo, 1). (Entered: 01/20/2016)
01/20/2016	152	DKT13 TRANSCRIPT ORDER REQUEST by Philip T. Cowen as to Kevin Lyndel Massey. This is to order a transcript of 3/24/15 Motion Hearing Hon.

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		Ronald G. Morgan. Court Reporter/Transcriber: GLR Transcribing Services. This order form relates to the following: Motion Hearing - Pending Motions, filed.(Cowen, Philip) (Additional attachment(s) added on 1/21/2016: #(1) Court Reporter Acknowledgement) (scastillo, 1). <i>Electronically forwarded to GLR on 1/21/16. Estimated Transcription Completion Date: 2/22/16</i> Modified on 1/21/2016 (scastillo, 1). (Entered: 01/20/2016)
01/20/2016	153	DKT13 TRANSCRIPT ORDER REQUEST by Philip T. Cowen as to Kevin Lyndel Massey. This is to order a transcript of 3/30/15 Suppression Hearing Hon. Andrew S. Hanen, 06/02/15 Pretrial Conference Hon. Andrew S. Hanen, 7/28/15 Pretrial Conference Hon. Andrew S. Hanen. Court Reporter/Transcriber: Barbara Barnard. This order form relates to the following: Pretrial Conference (Judge Hanen re: oral motion),,,, Suppression Hearing,,,,,, Pretrial Conference (Judge Hanen re: ready f/trial),, filed.(Cowen, Philip) (Entered: 01/20/2016)
01/20/2016	154	DKT13 TRANSCRIPT ORDER REQUEST by Philip T. Cowen as to Kevin Lyndel Massey. This is to order a transcript of 8/24/15 Bench Trial-Discussion held Hon. Andres S. Hanen. Court Reporter/Transcriber: Mayra Malone. This order form relates to the following: Minute Entry,,, filed.(Cowen, Philip) (Entered: 01/20/2016)
01/20/2016	155	DKT13 TRANSCRIPT ORDER REQUEST by Philip T. Cowen as to Kevin Lyndel Massey. This is to order a transcript of 9/30/15 Bench Trial Hon. Andrew S. Hanen. Court Reporter/Transcriber: Laura Wells. This order form relates to the following: Bench Trial - Held,,,,,, filed.(Cowen, Philip) (Entered: 01/20/2016)
01/20/2016	156	DKT13 TRANSCRIPT ORDER REQUEST by Philip T. Cowen as to Kevin Lyndel Massey. This is to order a transcript of 1/4/16 Sentencing Held in part Hon. Andrew S. Hanen, 1/4/16 Sentencing Hon. Andrew S. Hanen. Court Reporter/Transcriber: GLR Transcribing Services. This order form relates to the following: Sentencing, filed.(Cowen, Philip) <i>Electronically forwarded to GLR on 1/21/16. Estimated Transcription Completion Date: 2/22/16</i> Modified on 1/21/2016 (scastillo, 1). (Additional attachment(s) added on 1/21/2016: # 1 Court Reporter Acknowledgement) (scastillo, 1). (Entered: 01/20/2016)
01/20/2016	157	DKT13 TRANSCRIPT ORDER REQUEST by Philip T. Cowen as to Kevin Lyndel Massey. This is to order a transcript of 11/12/14 Arraignment Hon.Ignacio Torteya III. Court Reporter/Transcriber: GLR Transcribing Services. This order form relates to the following: Arraignment,,, filed.(Cowen, Philip) (Additional attachment(s) added on 1/21/2016: # 1 Court Reporter Acknowledgement) (scastillo, 1). <i>Electronically forwarded to GLR on 1/21/16. Estimated Transcription Completion Date: 2/22/16</i> Modified on 1/21/2016 (scastillo, 1). (Entered: 01/20/2016)
01/25/2016	158	JUDGMENT as to Kevin Lyndel Massey (Signed by Judge Andrew S. Hanen) Parties notified. (bcampos, 1) (Entered: 01/25/2016)
01/25/2016	159	Statement of Reasons (Sealed) as to Kevin Lyndel Massey. NOTICE: Document available to applicable parties only. Authorized users enter CM/ECF

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		Filer login and password first for authentication. Instructions available at http://www.txs.uscourts.gov/attorney-information - Electronic Access to Sealed Documents . Be sure to SAVE the document locally at the time of viewing, filed. (Entered: 01/25/2016)
01/26/2016	160	Revised Confidential Sentencing Recommendation II(Sealed) regarding John Frederick Foerster, filed. (mmarshall, 1) (Entered: 01/26/2016)
01/27/2016		Minute Entry for proceedings held before Judge Andrew S. Hanen: Appearances:B.Hagen, AUSA; E.Stapleton, Atty f/deft; C.Senteno,USPO (duty); V.Smith, USPO;(ERO:S.Castillo) (Interpreter:M.L.Castro: N/R)(09:26-09:44) SENTENCING held on 1/27/2016 as to John Frederick Foerster.(P/G to Ct.5 on 03/25/15) Deft sworn in. 93 Defts objection as to paragraph #65- GRANTED; other objections-WITHDRAWN. Non Guideline Sentence - based on defts history and characteristics. Court adopts PSI findings. SENTENCE: John Frederick Foerster (2), Count(s) 5, CBOP: 30 months; SRT: 3 years; SA: \$100 due immediately, Fine waived. SRT CONDITIONS: Deft shall cooperate in collection of DNA sample. Inpatient/outpatient drug/alcohol treatment program. Mental health program. Vocational treatment program. RECOMMENDATION to BOP: Placement at/or near: A facility where Defts medical and mental needs can be addressed. Substance abuse counseling program. Vocational training program. Deft remanded to the custody of USM., filed.(csustaeta, 1) (Entered: 01/27/2016)
01/27/2016		**Terminate Deadlines and Hearings as to John Frederick Foerster: (csustaeta, 1) (Entered: 01/27/2016)
02/12/2016	161	APPEAL TRANSCRIPT as to Kevin Lyndel Massey re: Pretrial Conference held on August 24, 2015 before Judge Andrew S. Hanen. Court Reporter/Transcriber Mayra Malone. Ordering Party Philip T. Cowen This transcript relates to the following: 154 Appeal Transcript Request,. Release of Transcript Restriction set for 5/12/2016., filed. (mmalone,) (Entered: 02/12/2016)
02/16/2016	162	APPEAL TRANSCRIPT as to Kevin Lyndel Massey re: Pretrial conference held on 6/2/15 before Judge Andrew S. Hanen. Court Reporter/Transcriber Barbara Barnard. Ordering Party Philip T. Cowen This transcript relates to the following: 141 Notice of Appeal - Judgment and Sentence, 153 Appeal Transcript Request,,. Release of Transcript Restriction set for 5/16/2016., filed. (bbarnard,) (Entered: 02/16/2016)
02/16/2016	163	APPEAL TRANSCRIPT as to Kevin Lyndel Massey re: Pretrial conference held on 7/28/15 before Judge Andrew S. Hanen. Court Reporter/Transcriber Barbara Barnard. Ordering Party Philip T. Cowen This transcript relates to the following: 141 Notice of Appeal - Judgment and Sentence, 153 Appeal Transcript Request,,. Release of Transcript Restriction set for 5/16/2016., filed. (bbarnard,) (Entered: 02/16/2016)
02/17/2016	164	Notice of Filing of Official Transcript as to 162 Transcript - Appeal, 163 Transcript - Appeal,. Party notified, filed. (dbenavides, 1) (Entered: 02/17/2016)

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02/19/2016	165	JUDGMENT as to John Frederick Foerster (Signed by Judge Andrew S. Hanen) Parties notified. (mperez, 1) (Entered: 02/19/2016)
02/19/2016	166	Statement of Reasons (Sealed) as to John Frederick Foerster. NOTICE: Document available to applicable parties only. Authorized users enter CM/ECF Filer login and password first for authentication. Instructions available at http://www.txs.uscourts.gov/attorney-information - Electronic Access to Sealed Documents . Be sure to SAVE the document locally at the time of viewing, filed. (Entered: 02/19/2016)
02/19/2016	167	APPEAL TRANSCRIPT as to Kevin Lyndel Massey re: Bench Trial held on September 30, 2015 before Judge Andrew S. Hanen. Court Reporter/Transcriber Laura Wells. Ordering Party Philip Cowen This transcript relates to the following: 155 Appeal Transcript Request, Release of Transcript Restriction set for 5/19/2016., filed. (lwellis,) (Entered: 02/19/2016)
02/22/2016	168	Notice of Filing of Official Transcript as to 167 Transcript - Appeal. Party notified, filed. (rnieto, 1) (Entered: 02/22/2016)
02/22/2016	169	APPEAL TRANSCRIPT as to Kevin Lyndel Massey re: INITIAL APPEARANCE held on 10-21-14 before Magistrate Judge Ronald G. Morgan. ERO Balvina Campos/Transcriber GLR. Ordering Party: Philip T. Cowen. This transcript relates to the following: 150 Appeal Transcript Request, 141 Notice of Appeal - Judgment and Sentence. Release of Transcript Restriction set for 5/23/2016., filed. (gwreed,) (Entered: 02/22/2016)
02/22/2016	170	APPEAL TRANSCRIPT as to Kevin Lyndel Massey re: PRELIMINARY (Not Held) and DETENTION HEARING (Held) held on 10-24-14 before Magistrate Judge Ronald G. Morgan. ERO Balvina Campos/Transcriber GLR. Ordering Party: Philip T. Cowen. This transcript relates to the following: 150 Appeal Transcript Request, 141 Notice of Appeal - Judgment and Sentence. Release of Transcript Restriction set for 5/23/2016., filed. (gwreed,) (Entered: 02/22/2016)
02/22/2016	171	APPEAL TRANSCRIPT as to Kevin Lyndel Massey re: ARRAIGNMENT HEARING held on 11-12-14 before Magistrate Judge Ignacio Torteya, III. ERO Dahlila Ahumada/Transcriber GLR. Ordering Party: Philip T. Cowen. This transcript relates to the following: 157 Appeal Transcript Request, 141 Notice of Appeal - Judgment and Sentence. Release of Transcript Restriction set for 5/23/2016., filed. (gwreed,) (Entered: 02/22/2016)
02/22/2016	172	APPEAL TRANSCRIPT as to Kevin Lyndel Massey re: MOTION HEARING held on 3-24-15 before Magistrate Judge Ronald G. Morgan. ERO Juanita Tabares/Transcriber GLR. Ordering Party: Philip T. Cowen. This transcript relates to the following: 152 Appeal Transcript Request, 141 Notice of Appeal - Judgment and Sentence. Release of Transcript Restriction set for 5/23/2016., filed. (gwreed,) (Entered: 02/22/2016)
02/22/2016	173	APPEAL TRANSCRIPT as to Kevin Lyndel Massey re: SENTENCING HEARING (Morning Session and Afternoon Session) held on 1-4-16 before Judge Andrew S. Hanen. ERO Rita Nieto/Transcriber GLR. Ordering Party: Philip T. Cowen. This transcript relates to the following: 141 Notice of Appeal

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		- Judgment and Sentence, 156 Appeal Transcript Request,, Release of Transcript Restriction set for 5/23/2016., filed. (gwreed,) (Entered: 02/22/2016)
02/23/2016	174	Notice of Filing of Official Transcript as to 169 Transcript - Appeal, 172 Transcript - Appeal, 170 Transcript - Appeal, 173 Transcript - Appeal, 171 Transcript - Appeal. Party notified, filed. (avleal, 1) (Entered: 02/23/2016)
03/22/2016		Electronic record on appeal certified to Fifth Circuit Court of Appeals as to Kevin Lyndel Massey re: 141 Notice of Appeal - Judgment and Sentence. USCA No. 16-40041,filed.(dnoriega, 1) (Entered: 03/22/2016)
03/22/2016		Electronic Access to Record on Appeal Provided as to Kevin Lyndel Massey re: 141 Notice of Appeal - Judgment and Sentence to Renata Gowie, AUSA & Philip Cowen. Attorneys of record at the Circuit may download the record from the Court of Appeals . (USCA No. 16-40041),filed.(dnoriega, 1) (Entered: 03/22/2016)
11/17/2016	175	Order of USCA (copy) as to Kevin Lyndel Massey re: 141 Notice of Appeal - Judgment and Sentence ; USCA No. 16-40041. It is ordered that Appellant's motion for bail pending apepal is denied,filed.(scastillo, 1) (Entered: 11/17/2016)
02/16/2017	176	PROBATION FORM 12A Report on Offender Under Supervision No Court Action Requested as to John Frederick Foerster. Court Concurs with Recommended Action (Signed by Judge Andrew S Hanen) Parties notified. (avleal, 1) (Entered: 02/16/2017)
03/16/2017	177	Judgment of USCA (copy) as to Kevin Lyndel Massey issued as mandate 3/16/17; re: 141 Notice of Appeal - Judgment and Sentence ; USCA No. 16-40041. It is ordered and adjudged that the judgment of the District Court is affirmed, filed.(scastillo, 1) (Entered: 03/16/2017)
03/16/2017	178	Per Curiam of USCA (copy) as to Kevin Lyndel Massey re: 141 Notice of Appeal - Judgment and Sentence ; USCA No. 16-40041. Kevin Massey challenges his conviction of possession of a firearm by a convicted felon. We affirm.,filed.(scastillo, 1) (Entered: 03/16/2017)
09/11/2017	179	MOTION to Vacate under 28 U.S.C. 2255 (Civil Action No. 1:17-CV-190) by Kevin Lyndel Massey, filed. (bcampos, 1) (Entered: 09/11/2017)
10/29/2017	180	PROBATION FORM 12A Report on Offender Under Supervision No Court Action Requested as to John Frederick Foerster. The Court Orders court concurs with recommended action. (Signed by Judge Andrew S Hanen) Parties notified. (dbenavides, 1) (Entered: 10/30/2017)
12/06/2017	181	The petition for a writ of certiorari filed with the Supreme Court has been denied Court of Appeals number 16-40041 as to Kevin Lyndel Massey.,filed. (JenniferLongoria, 1) (Entered: 12/06/2017)
01/29/2018	182	PROBATION FORM 12A Report on Offender Under Supervision No Court Action Requested as to John Frederick Foerster. The Court concurs with Recommended Action (Signed by Judge Andrew S Hanen) Parties notified. (dbenavides, 1) (Entered: 01/29/2018)

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02/21/2018	183	ORDER ADOPTING REPORT AND RECOMMENDATIONS as to Kevin Lyndel Massey re: 179 Motion to Vacate (2255) filed by Kevin Lyndel Massey. The issuance of a Certificate of Appealability is denied. (Signed by Judge Andrew S Hanen) Parties notified. (dnoriega, 1) (Entered: 02/21/2018)
03/14/2018	184	PROBATION FORM 12C Petition for Warrant or Summons for Offender Under Supervision as to John Frederick Foerster. The Court Orders the Issuance of a Warrant, and no bond be set. Further, that a revocation hearing be set to show cause why Probation/ Supervised Release should not be revoked (Signed by Judge Andrew S Hanen) Parties notified. (scastillo, 1) (Entered: 03/14/2018)
03/16/2018		Minute Entry for proceedings held before Magistrate Judge Ronald G Morgan: Initial Appearance for Supervised Release Violation as to John Frederick Foerster held on 3/16/2018. Defendant's First Appearance; advised of charges and rights. The defendant requests appointment of counsel; the Court will appoint counsel to represent the defendant. Preliminary Hearing - Prob/Superv Rls set for 3/21/2018 at 01:30 PM in Courtroom 2 before Magistrate Judge Ronald G Morgan Final Hearing - Superv Rls Violation set for 4/10/2018 at 08:30 AM in Courtroom 6 before Judge Andrew S Hanen. Defendant held without bond as per Judge Hanen. Deft remanded to the custody of the U.S. Marshal. Appearances: Bill Hagen, AUSA; (PSA: Ralph Garcia) (USPO:Stephen Alvarez)(ERO:Jennifer R Longoria) (Interpreter:Monica Licea Castro, present not needed)(DUSM: Arturo Perez)(CSO: Joe Barreda) (bvasquez, 1)[10:25 - 10:34 AM] (Entered: 03/16/2018)
03/16/2018	185	ORDER APPOINTING COUNSEL for Defendant John Frederick Foerster. Edward A Stapleton, III appointed. (Signed by Magistrate Judge Ronald G Morgan) Parties notified. (bvasquez, 1) (Entered: 03/16/2018)
03/16/2018	186	NOTICE OF RESETTING as to John Frederick Foerster. Supervised Release Hearing set for 4/18/2018 at 08:30 AM in Courtroom 6 before Judge Andrew S Hanen, filed. (amora, 1) (Entered: 03/16/2018)
03/20/2018		US ATTORNEY'S NOTICE OF APPEARANCE. William F Hagen appearing for USA, filed.(Hagen, William) (Entered: 03/20/2018)
03/20/2018	187	Arrest Warrant issued 3/14/2018 Returned Executed on 3/15/2018 in case as to John Frederick Foerster. Document restricted from PACER under privacy policy, filed. (bcampos, 1) (Entered: 03/20/2018)
03/21/2018	188	WAIVER of Preliminary Examination for Revocation Proceedings by John Frederick Foerster, filed.(bcampos, 1) (Entered: 03/21/2018)
04/18/2018		Minute Entry for proceedings held before Judge Andrew S Hanen: Final Hearing re: SRT Violation as to John Frederick Foerster held on 4/18/2018; Deft pled true to violations #1 and #2 as alleged in the petition; Discussion held; Court finds Defendant has violated terms of SRT. SRT NOT REVOKED; Court ordered defendant to remain in USM custody until opening at Charlie's place becomes available; Conditions: Nighttime restriction-deft is restricted to his residence from 12 midnight to 6 a.m.; Deft is prohibited from drinking alcohol throughout supervision term; Appearances: William Hagen, AUSA; Ed

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		Stapleton f/deft; Court Reporter: Sheila Perales; Interpreter: Jenni Ortiz, present not needed; USPO: Adrian Acuna; Deft remanded to custody, filed. 8:41-8:52 (mperez, 1) Modified on 4/18/2018 (mperez, 1). (Entered: 04/18/2018)
04/18/2018		**Terminate Deadlines and Hearings as to John Frederick Foerster: (mperez, 1) (Entered: 04/18/2018)
04/18/2018	189	Order Continuing and Modifying Supervision Term as to John Frederick Foerster (Signed by Judge Andrew S Hanen) Parties notified. (dbenavides, 1) (Entered: 04/18/2018)
08/06/2018		Case as to John Frederick Foerster Reassigned to Judge Fernando Rodriguez, Jr. Judge Andrew S. Hanen no longer assigned to the case. (dbenavides, 1) (Entered: 08/06/2018)
08/06/2018	190	PROBATION FORM 12C Petition for Warrant or Summons for Offender Under Supervision as to John Frederick Foerster. The Court Orders The Issuance of a Warrant, and no bond be set. Further, that a revocation hearing be set to show cause why Probation/Supervised Release should not be revoked. (Signed by Judge Fernando Rodriguez, Jr) Parties notified. (dbenavides, 1) (Entered: 08/06/2018)
08/08/2018		Minute Entry for proceedings held before Magistrate Judge Ignacio Torteya, III: Initial Appearance for Supervised Release Violation as to John Frederick Foerster held on 8/8/2018. Defendant's First Appearance; advised of charges and rights. Defendant examined by the U.S. Probation Office. The defendant requests appointment of counsel; the Court finds the Defendant qualifies for the appointment of counsel and counsel will be appointed to represent the Defendant. Preliminary Hearing - Prob/Superv Rls set for 8/16/2018 at 01:30 PM before Magistrate Judge Ignacio Torteya, III. Final Hearing - Superv Rls Violation set for 9/5/2018 at 08:30 AM before Judge Fernando Rodriguez, Jr. Defendant held without bond and remanded to the custody of the US Marshal. Appearances: AUSA A Cano, (USPO-R Garcia / A Leal)(DUSM-R Palomino) (ERO: S Castillo)(Interpreter: M Castro present not needed) (sgarcia, 1)(09:57-10:36am) (Entered: 08/08/2018)
08/08/2018	191	ORDER APPOINTING COUNSEL for Defendant John Frederick Foerster. Edward A Stapleton, III appointed. (Signed by Magistrate Judge Ignacio Torteya, III) Parties notified. (sgarcia, 1) (Entered: 08/08/2018)
08/08/2018	192	Sealed Financial Affidavit CJA 23 by John Frederick Foerster, filed. (Entered: 08/08/2018)
08/14/2018	193	Arrest Warrant issued 8/6/18 Returned Executed on 8/7/18 in case as to John Frederick Foerster. Document restricted from PACER under privacy policy, filed. (jtabares, 1) (Entered: 08/14/2018)
08/16/2018	194	WAIVER of Preliminary Hearing by John Frederick Foerster, filed. (JenniferLongoria, 1) (Entered: 08/16/2018)
09/05/2018		Minute Entry for proceedings held before Judge Fernando Rodriguez, Jr: Appearances: William F Hagen, AUSA f/Govt; Edward A Stapleton, III f/Deft;

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		(Court Reporter: Sheila Perales) (USPO: Sandra Barrios) (Interpreter: Jennifer Ortiz - present, not needed) [Court time: 8:34-8:41]. FINAL HEARING RE REVOCATION OF SUPERVISED RELEASE as to John Frederick Foerster held on 9/5/2018. Defendant was sworn in. Defendant pled true to the violations contained in the petition. The Court found Defendant had violated the terms of SRT. SRT was REVOKED. SENTENCE: BOP: 6 months. Defendant was remanded to the custody of the U.S. Marshal. (bcampos, 1) (Entered: 09/05/2018)
09/10/2018	<u>195</u>	JUDGMENT FOR REVOCATION as to John Frederick Foerster (2) Count 5 (Signed by Judge Fernando Rodriguez, Jr) Parties notified. (JenniferLongoria, 1) (Entered: 09/10/2018)

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